

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                    Andrew J. French, Chairperson  
   Susan K. Duffy  
   Dwight D. Keen

In the Matter of the Application of Southwestern    )  
Bell Telephone Company for Approval of            )  
Interconnection Agreement Under the                ) Docket No. 09-SWBT-419-IAT  
Telecommunications Act of 1996 With                 )  
One Point Technologies, Inc.                            )

**ORDER APPROVING AMENDED INTERCONNECTION AGREEMENT**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and record and being duly advised in the premises, the Commission makes the following findings:

1.        On October 26, 2021, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application requesting Commission approval of an Amended Interconnection Agreement with AT&T Kansas and Blue Valley Technologies, Inc., f/n/a One Point Technologies, Inc. (Blue Valley). The proposed Amended Agreement modifies provisions related to Operations Support Systems (OSS) and/or Data Connection Security Requirements, as well as changes related to Robocalling and other Prohibited Traffic. The Amended Agreement would also change the name under the agreement from One Point Technologies, Inc. to Blue Valley Technologies, Inc. to reflect the corporate name change approved by the Commission in Docket No. 21-OPTT-374-CCN.

2.        AT&T Kansas is the largest telecommunication carrier operating in Kansas and maintains the status of an “electing carrier,” with major service areas in Kansas City, Topeka and Wichita. It is headquartered in Topeka, Kansas. Blue Valley is headquartered in Home, Kansas

and is registered to do business in Kansas as a For Profit Corporation. Blue Valley is a Competitive Local Exchange Carrier (CLEC) in Kansas that was granted authority in Docket No. 07-OPPT-594-COC and is an Interexchange Service Carrier as approved in Docket No. 11-OPPT-292-COC. Both companies are *active and in good standing* with the Kansas Secretary of State.

3. AT&T Kansas states that the Amendment to Interconnection Agreement with AT&T Kansas and Blue Valley modifies the Interconnection Agreement by changing provisions related to OSS, Data Connection Security Requirements, and Robocalling and other Prohibited Traffic. The subject Interconnection Agreement and Amendments to the Interconnection Agreement are collectively referred to herein as “amended Agreement”. AT&T Kansas indicates the amended Agreement fully complies with Section 252(e) of the Telecommunications Act of 1996 (Federal Act) and is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.<sup>1</sup>

4. The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188. K.S.A. 66-1,190 requires all telecommunications public utilities doing business in Kansas to:

...publish and file with the commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate, and shall furnish the commission copies of all rules and regulations and contracts between such telecommunications public utilities pertaining to any and all jurisdictional services to be rendered by such telecommunications public utilities.

5. Section 252(e)(2) of the Federal Act [47 U.S.C. §252(e)(2)] requires the Commission to presume that interconnection agreements entered into through negotiation and submitted for Commission approval are valid unless:

(1) the agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or

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<sup>1</sup> Application at 2.

- (2) the implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience, and authority.

6. On November 10, 2021, the Commission Staff submitted its Report and Recommendation, advising the Commission to approve the amended Agreement between AT&T Kansas and Blue Valley. Citing Section 252(e) of the Federal Act, Staff acknowledges the amended Agreement fully complies with Section 252(e) of the Federal Act and supports approval of the Agreement as being consistent with the public interest and convenience and necessity. Staff accordingly recommends the Commission grant AT&T Kansas' Application and approve the amended Agreement.

7. The Commission adopts Staff's recommendation of November 10, 2021, as stated in its Report and Recommendation, which is attached and made a part of this Order, and finds that AT&T Kansas' Application should be granted, and the amended Agreement between AT&T Kansas and Blue Valley be approved.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Southwestern Bell Telephone Company d/b/a AT&T Kansas' Application filed October 26, 2021, is hereby granted and the amended Interconnection Agreement between AT&T Kansas and Blue Valley Technologies, Inc. is hereby approved.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>2</sup>

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

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<sup>2</sup> K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 11/23/2021



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Lynn M. Retz  
Executive Director

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## **REPORT AND RECOMMENDATION UTILITIES DIVISION**

**TO:** Chairperson Andrew J. French  
Commissioner Dwight D. Keen  
Commissioner Susan Duffy

**FROM:** Brooke Tibbits, Telecommunications Analyst  
Kelly Mabon, Senior Telecommunications Analyst  
Sandy Reams, Assistant Chief of Telecommunications  
Bryan Seamans, Chief of Telecommunications  
Jeff McClanahan, Director of Utilities

**DATE:** November 10, 2021

**SUBJECT:** Docket No. 09-SWBT-419-IAT

In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With One Point Technologies, Inc.

### **EXECUTIVE SUMMARY**

On October 26, 2021, Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T Kansas) filed an Application for modification of the Interconnection Agreement with Blue Valley Technologies, Inc. (Blue Valley) . Staff recommends approval of this Application.

The Commission action date is **Monday, January 24, 2022.**

### **BACKGROUND**

The Commission derives its authority to supervise telecommunications public utilities from K.S.A. 66-1,188. K.S.A. 66-1,190 requires all telecommunications public utilities doing business in Kansas to “publish and file with the commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate, and shall furnish the commission copies of all rules and regulations and contracts between such telecommunications public utilities pertaining to any and all jurisdictional services to be rendered by such telecommunications public utilities.”

The U.S. Congress and the Federal Communications Commission (FCC) have pre-empted certain aspects of state regulation of interconnection between telecommunications carriers. Section 252(e)(2) of the Federal Telecommunications Act of 1996 (47 U.S.C. §252(e)(2)) requires the

Commission to presume that interconnection agreements entered into through negotiation and submitted for Commission approval are valid unless:

- 1) The agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- 2) The implementation of such an agreement (or portions thereof) is not consistent with the public interest, convenience, and necessity.

## **ANALYSIS**

The Amendment modifies certain provisions relating to Operations Support Systems (OSS) and/or Data Connection Security Requirements, Robocalling and other Prohibited Traffic. The Amendment changes the name in the interconnection agreement to Blue Valley Technologies, Inc., from One Point Technologies, Inc. The Commission approved the name change from One Point Technologies, Inc. to Blue Valley Technologies, Inc. on April 8, 2021, in Docket No. 21-OPPT-374-CCN.

The Amendment adds Robocalling and other Prohibited Traffic provisions to the General Terms & Conditions restricting the use of Prohibited Traffic that appears to be in violation of applicable laws, rules or regulations. Prohibited Traffic includes, but is not limited to, traffic that unreasonably harms, frightens, abuses, interferes with the use of AT&T Kansas' 21 States' network, predictive dialing of telephone numbers, and telemarketing or telephone solicitation.

AT&T Kansas filed for approval of this Amended Agreement between AT&T Kansas and Blue Valley. The Amendment expires *concurrent* with the existing Agreement.

AT&T Kansas contends that implementation of this Agreement complies fully with Section 252(e) of the Federal Act and believes approval is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier.

Having reviewed the modification to the Agreement between AT&T Kansas and Blue Valley, Staff finds no evidence to conclude this Agreement discriminates against any telecommunications carrier, nor is it inconsistent with public interest, convenience, or necessity. Staff believes the public will generally benefit from KCC approval of this Application.

## **RECOMMENDATION**

Staff recommends the Commission grant approval of this Application for a Modification to the Interconnection Agreement between AT&T Kansas and Blue Valley.

## **CERTIFICATE OF SERVICE**

09-SWBT-419-IAT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
electronic service on 11/23/2021.

WALKER HENDRIX, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
w.hendrix@kcc.ks.gov

BRUCE NEY, ATTORNEY FOR AT&T KANSAS  
SOUTHWESTERN BELL TELEPHONE CO.  
D/B/A AT&T KANSAS  
816 CONGRESS AVENUE, STE 1100  
AUSTIN, TX 78701  
bruce.ney@att.com

CANDACE WRIGHT, GENERAL MANAGER/CEO  
Blue Valley Technologies, Inc.  
1559 PONY EXPRESS HWY  
HOME, KS 66438-9000  
cwright@bluevalleyinc.net

/S/ DeeAnn Shupe  
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DeeAnn Shupe